



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

lu

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/757,082

01/14/2004

John T. Petrick

TD14/ 08

3465

7590

01/05/2005

Edward P. Dutkiewicz
640 Douglas Avenue
Dunedin, FL 34698

EXAMINER

HAN, JASON

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/757,082 | PETRICK, JOHN T. | |
| | Examiner | Art Unit | |
| | Jason M Han | 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the exploded view showing the screen 16 displaced along the light axis as described in the specification [Page 11, Paragraph 3, Lines 8-9]. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Art Unit: 2875

- a. Page 3, Paragraph 4, Lines 3-4: grammatical error – should read as “and a lower open end;
 - b. Page 4, Paragraph 3, Line 1: grammatical error – should read as “Provided next is a cylindrical cover”;
 - c. Page 12, Paragraph 3, Line 2: grammatical error – should read as “sufficiently robust”;
 - d. Page 13, Paragraph 3, Line 11: typographical error – please rewrite to read “night”;
- Appropriate correction is required.

Claim Objections

- 3. Claim 1 is objected to because of the following informalities: typographical error – please remove “10” from the first line of the claim. Appropriate correction is required.

Allowable Subject Matter

- 4. Claim 1 allowed. Applicant cites a dual beacon obstruction lighting system that provides light emitting diodes and gas energy emissions wherein a lower portion contains a white gas discharge light source surrounded by a fresnel lens, an upper portion containing a plurality of rows of a plurality of light emitting diodes surrounded by a red translucent material, and a heat convection system through the lower and upper portions and on through a centrally disposed screen within a cylindrical cover. The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebek et al. (U.S. Patent 6070994) in view of Chapman et al. (U.S. Patent 5685637).

6. With regards to Claim 2, Sebek discloses a dual beacon obstruction light [Figure 2: (10)] having two portions each surrounded by a cylindrical lens [Figure 2: (26, 28)]. Sebek does not specifically teach one portion generating white light and composed of a gas discharge light source, while the other portion generating a red light and composed of a plurality of light emitting diodes.

Chapman teaches a dual spectrum illumination system wherein a modular light source has two independent emitters of optical radiation [see Abstract]. Chapman specifically teaches one emitter being a high intensity, gas discharging halogen bulb [Figure 1: (18)], which are commonly known to produce a white light. In addition, Chapman teaches the second emitter comprising of light emitting diodes [Figure 1: (12)], which may emit light over a wide spectrum, including a red wavelength [Column 5, Lines 23-26].

It would have been obvious to modify the dual beacon obstruction light of Sebek to incorporate the dual spectrum illumination system of Chapman in order to provide

Art Unit: 2875

different illumination and optical effects, which may further provide an ostentatious warning signal and safety to an airfield/airport.

7. With regards to Claim 3, Sebek in view of Chapman discloses the claimed invention as cited above. In addition, Sebek teaches the rotated cylindrical lens being a fresnel lens [Figure 2: (26, 28)].

8. With regards to Claim 4, Sebek in view of Chapman discloses the claimed invention as cited above. In addition, Sebek teaches both portions being covered by a translucent protective cover [Figure 2: (26, 28)] there around.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references have been cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 0516824 to Knowles;

US Patent 1732745 to Erskine;

US Patent 1961116 to Van Braam Van Vloten;

US Patent 2165211 to Bass et al;

US Patent 4360862 to Strasser et al;

US Patent 4727289 to Uchida;

US Patent 4912334 to Anderson;

US Patent 4920301 to Crooks;

US Patent 4984142 to Garnerone;

US Patent 5152601 to Ferng;

US Patent 5155666 to Radford et al;

US Patent 5224773 to Arimura;

US Patent 5567036 to Theobald et al;

US Patent 5585783 to Hall;

US Patent 5806965 to Deese;

US Patent 5984494 to Chapman et al;

US Patent 6013985 to Green et al;

US Patent 6099148 to Northrup et al;

US Patent 6183100 to Suckow et al;

US Patent 6425678 to Verdes et al;

Art Unit: 2875

US Patent 6483254 to Vo et al;

US Patent 6491417 to Haen et al;

US Patent 6525668 to Petrick;

US Patent 6626557 to Taylor;

US Publication 2002/0122309 to Abdelhafez et al;

US Publication 2004/0095777 to Trenchard et al;

Re: Claim 2 and a white light halogen light – US Publication 2003/0142495 Nakao.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (12/30/2004)

Ali Alavi
